

AMENDED IN SENATE APRIL 8, 2003  
AMENDED IN SENATE MARCH 18, 2003

**SENATE BILL**

**No. 59**

**Introduced by Senator Escutia**

January 15, 2003

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An act to add Section 366.28 to the Welfare and Institutions Code, relating to adoption.

LEGISLATIVE COUNSEL'S DIGEST

SB 59, as amended, Escutia. Dependent children: placement.

Existing law authorizes the juvenile court to determine the placement of children who are dependent children of the juvenile court.

This bill would provide that ~~following any hearing at which~~ *after parental rights have been terminated, if* the court enters an order that a dependent child is to reside in, be retained in, or be removed from a specific placement, except an order terminating parental rights or appointing a guardian, review of that order shall be made exclusively by a petition for an extraordinary writ, as specified. The bill would also provide that this provision does not affect the ~~appellate rights~~ *right* of a parent ~~or, a legal guardian, or the child to appeal an order terminating parental rights or appointing a guardian.~~

The bill would also require the Judicial Council to adopt a rule of court ~~by on or before July 1, 2004,~~ to implement this provision. *The bill would provide that these provisions would become operative after the rule of court is adopted.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 366.28 is added to the Welfare and Institutions Code, to read:

366.28. (a) The Legislature finds and declares that delays caused by appeals from court orders ~~regarding the~~ *designating the specific* placement of a dependent child ~~and affecting the permanency of a potential adoptive placement~~ *after parental rights have been terminated* may cause a substantial detriment to the child. The Legislature recognizes that the juvenile court intervenes in placement decisions *after parental rights have been terminated* only in exceptional circumstances, and this section is not intended to place additional authority or responsibility on the juvenile court.

(b) ~~Following any hearing at which~~ *After parental rights have been terminated pursuant to Section 366.26, if the court, on its own motion or on the motion of any party or person who has standing, enters an order that a dependent child is to reside in, be retained in, or be removed from a specific placement, review of the order shall be made exclusively by a petition for extraordinary writ consistent with the process set forth in Rule of Court 39.1B subdivision (l) of Section 366.26 and Rule 39.1B of the California Rules of Court.*

(c) This section does not affect the ~~appellate rights~~ *right* of a parent ~~or legal guardian. This section does not apply to an order, a legal guardian, or the child to appeal an order terminating parental rights, or an order appointing a guardian.~~

(d) The Judicial Council shall adopt a rule of court on or before July 1, 2004, to implement this section. *This section shall become operative after the rule of court is adopted.*